

AMENDED IN ASSEMBLY APRIL 5, 2010

CALIFORNIA LEGISLATURE—2009–10 REGULAR SESSION

ASSEMBLY BILL

No. 2000

Introduced by Assembly Member Hagman

February 17, 2010

An act to amend Section 121690 of the Health and Safety Code, relating to rabies.

LEGISLATIVE COUNSEL’S DIGEST

AB 2000, as amended, Hagman. Rabies: vaccinations.

~~Existing law requires every dog owner, after his or her dog attains the age of four months, to, at intervals of time not more often than once a year, as may be prescribed by the State Department of Public Health, procure its vaccination by a licensed veterinarian with a canine antirabies vaccine approved by, and in a manner prescribed by, the department.~~

Existing law imposes various requirements upon dog owners in rabies areas designated by the State Public Health Officer. Any person who violates these requirements is guilty of an infraction, punishable by a fine not exceeding \$1,000. Violation of these requirements also results in impounding of the dog by the local jurisdiction. Among the requirements imposed under existing law, is that a dog 4 months of age or older must be vaccinated for rabies, as specified.

This bill would exempt from the vaccination requirement the owner of a dog that a licensed veterinarian determines, on an annual basis, ~~may have a potentially lethal reaction to the vaccination~~ *is currently immune compromised or has a documented medical record of a preexisting condition.*

Existing law authorizes a city, city and county, or county to provide, by ordinance, for the issuance of a dog license ~~for a period not to exceed~~

~~three years for dogs license for a dog that have has attained the age of 12 months or older 4 months or older and have has been vaccinated against rabies. The person to whom the license is issued may choose a license period as established by the governing body of up to one, 2, or 3 years, except that the license period shall not extend beyond the remaining period of validity for the current rabies vaccination.~~

This bill would prohibit, in the event that a dog is exempted from the vaccination requirement, the license period from extending beyond one year. ~~By increasing the duties of local officials,~~

By imposing a higher level of service upon local agencies and by changing the definition of a crime, this bill would impose a state-mandated local program.

~~The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.~~

~~This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.~~

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 121690 of the Health and Safety Code
- 2 is amended to read:
- 3 121690. In rabies areas, all of the following shall apply:
- 4 (a) Every dog owner, after his or her dog attains the age of four
- 5 months, shall no less than once every two years secure a license
- 6 for the dog as provided by ordinance of the responsible city, city
- 7 and county, or county. License fees shall be fixed by the
- 8 responsible city, city and county, or county, at an amount not to
- 9 exceed limitations otherwise prescribed by state law or city, city
- 10 and county, or county charter.

(b) Every dog owner, after his or her dog attains the age of four months, shall, at intervals of time not more often than once a year, as may be prescribed by the department, procure its vaccination by a licensed veterinarian with a canine antirabies vaccine approved by, and in a manner prescribed by, the department, unless a licensed veterinarian determines, on an annual basis, that the dog ~~may have a potentially lethal reaction to the canine antirabies vaccine.~~ *is currently immune compromised or has a documented medical record of a preexisting condition, including, but not limited to, an immune mediated disease, or a serious adverse reaction to a prior canine antirabies vaccine.*

(1) A request for an exemption from the requirements of this subdivision shall be from the veterinarian on an approved form developed by the department, and include a signed statement by the dog owner affirming that the owner understands the consequences and accepts all liability associated with owning a dog that has not received the canine antirabies vaccine. The request shall be submitted to the responsible city, city and county, or county, who may issue an exemption from the canine antirabies vaccine.

(2) A dog exempt from the canine antirabies vaccination shall be kept quarantined as directed by the local health officer, until the dog's medical condition has resolved and the administration of the canine antirabies vaccine occurs.

(3) The responsible city, city and county, or county shall report exemptions issued pursuant to this subdivision to the department.

(c) All dogs under four months of age shall be confined to the premises of, or kept under physical restraint by, the owner, keeper, or harborer. Nothing in this chapter and Section 120435 shall be construed to prevent the sale or transportation of a puppy four months old or younger.

(d) Any dog in violation of this chapter and any additional provisions that may be prescribed by any local governing body shall be impounded, as provided by local ordinance.

~~(e) It shall be the duty of the~~ *The* governing body of each city, city and county, or county ~~to shall~~ maintain or provide for the maintenance of a pound system and a rabies control program for the purpose of carrying out and enforcing this section.

~~(f) It shall be the responsibility of each~~ *Each* city, county, or city and county ~~to shall~~ provide dog vaccination clinics, or ~~to~~

1 arrange for dog vaccination at clinics operated by veterinary groups
2 or associations, held at strategic locations throughout each city,
3 city and county, or county. The vaccination and licensing
4 procedures may be combined as a single operation in the clinics.
5 No charge in excess of the actual cost shall be made for any one
6 vaccination at a clinic. No owner of a dog shall be required to have
7 his or her dog vaccinated at a public clinic if the owner elects to
8 have the dog vaccinated by a licensed veterinarian of the owner's
9 choice.

10 All public clinics shall be required to operate under antiseptic
11 immunization conditions comparable to those used in the
12 vaccination of human beings.

13 (g) In addition to the authority provided in subdivision (a), the
14 ordinance of the responsible city, city and county, or county may
15 provide for the issuance of a license for a period not to exceed
16 three years for dogs that have attained the age of 12 months or
17 older and have been either vaccinated against rabies or exempted
18 from the vaccination requirement pursuant to subdivision (b). The
19 person to whom the license is issued pursuant to this subdivision
20 may choose a license period as established by the governing body
21 of up to one, two, or three years. However, when issuing a license
22 pursuant to this subdivision, the license period shall not extend
23 beyond the remaining period of validity for the current rabies
24 vaccination and, ~~in the event that~~ if a dog is exempted from the
25 vaccination requirement pursuant to subdivision (b), the license
26 period shall not extend beyond one year. A dog owner who
27 complies with this subdivision shall be deemed to have complied
28 with the requirements of subdivision (a).

29 (h) All information obtained from a dog owner by compliance
30 with this chapter is confidential to the dog owner and proprietary
31 to the veterinarian. This information shall not be used, distributed,
32 or released for any purpose, except to ensure compliance with
33 existing federal, state, county, or city laws or regulations.

34 ~~SEC. 2. If the Commission on State Mandates determines that~~
35 ~~this act contains costs mandated by the state, reimbursement to~~
36 ~~local agencies and school districts for those costs shall be made~~
37 ~~pursuant to Part 7 (commencing with Section 17500) of Division~~
38 ~~4 of Title 2 of the Government Code.~~

39 *SEC. 2. No reimbursement is required by this act pursuant to*
40 *Section 6 of Article XIII B of the California Constitution because*

1 *a local agency or school district has the authority to levy service*
2 *charges, fees, or assessments sufficient to pay for the program or*
3 *level of service mandated by this act or because costs that may be*
4 *incurred by a local agency or school district will be incurred*
5 *because this act creates a new crime or infraction, eliminates a*
6 *crime or infraction, or changes the penalty for a crime or*
7 *infraction, within the meaning of Section 17556 of the Government*
8 *Code, or changes the definition of a crime within the meaning of*
9 *Section 6 of Article XIII B of the California Constitution.*

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